

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

VINAY BARARIA,

Defendant.

Case No.:2:12-cr-00236-JAD-GWF

Order
[re #211]

Defendant Vinay Bararia pled guilty to conspiracy to distribute 500 Hydrocodone pills to an undercover DEA agent in the Centennial Hills Hospital parking lot, and he is awaiting sentencing. Bararia's sentencing memorandum advised that he intends to seek a downward departure based on his alleged "diminished capacity due to his previously undiagnosed and consequently untreated" bi-polar disorder, based on reports submitted from Drs. Norton Roitman and Latricia Coffey.¹ On April 16, 2014, the Court granted the Government's request for a psychiatric evaluation of the defendant, and he was designated for that purpose to the Bureau of Prisons' Metropolitan Detention Center in Los Angeles, California ("MDC"), on April 17, 2014, arriving there on April 24, 2014.

The Warden of the MDC has requested that defendant's 60-day study period be extended

¹ Doc. 198 at 2, 11, Exhs. H, I.

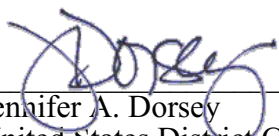
1 by 15 days under 18 U.S.C. § 3552(b) to allow the MDC's clinical psychologist "to complete the
2 testing and examination necessary to develop a history, diagnosis, and opinion" the Court's April
3 16, 2014, order requested. *See* Doc. 211. The Warden also requested that the Court determine
4 that defendant's commitment for the evaluation commenced "upon his arrival" at the MDC. The
5 Warden represented that, with the extension, the evaluation should be completed by July 8, 2014,
6 and the report should be provided to the Court by July 29, 2014. *Id.*

7 18 U.S.C. § 3552(b) limits commitment for the purpose of conducting a study of a
8 defendant to 60 days, but allows the period of the study to be extended by not more than 60 days
9 "in the discretion of the court." 18 U.S.C. § 3552(b). Exercising that discretion, the Court finds
10 that the period of this study regarding defendant Bararia commenced upon his arrival at the MDC
11 on April 24, 2014, and that good cause exists to extend that period by 15 days to July 8, 2014.

12 Accordingly, IT IS HEREBY ORDERED that the Warden's **request for a 15-day**
13 **extension of the period of study [Doc. 211] is GRANTED.** The period of study that
14 commenced on April 24, 2014, shall be extended by 15 days under 18 U.S.C. § 3552(b) to July 8,
15 2014.

16 IT IS FURTHER ORDERED that **the sentencing hearing is hereby continued to**
17 **August 11, 2014, at 9:30 a.m.** to permit the Court, counsel, and the defendant the 10-day pre-
18 sentencing period required by 18 U.S.C. § 3552(d) to review the study report, which is
19 anticipated by July 29, 2014.

20 Dated this 20th day of May, 2014.

21
22 
23 Jennifer A. Dorsey
24 United States District Court Judge
25
26
27
28